

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a Delaware Corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; THE SQUARE, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1–10,

Defendants.

Case No. 4:23-cv-1611 (SEP)

**DEFENDANT ISABELLA CONSTANTINO'S
MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF**

Defendant Isabella Constantino, by and through undersigned counsel, moves pursuant to E.D. Mo. Loc. R. 4.01(B) to join the other Defendants' motion for leave to file an overlength memorandum in support of their forthcoming motion to dismiss (ECF No. 17.) In support of her motion, Ms. Constantino respectfully states:

1. Plaintiff's Complaint alleges two counts against Defendants under Missouri and New York law. (ECF No. 1-1 at 1–14, ¶¶ 53–64.)
2. Plaintiff attached to his Complaint a "Consent and Release" that is relevant to the underlying claims in this case. (*Id.* at 16–17.)
3. The Consent and Release contains a venue selection provision. (*Id.*)

4. As detailed in ECF No. 17, Defendants intend to file a joint, omnibus motion to dismiss that raises alternative jurisdictional, venue-based, and merits arguments.
5. Ms. Constantino intends to join in Defendants' joint motion and memorandum.
6. Ms. Constantino anticipates that, in order to explain adequately the grounds for the alternative bases for relief, the memorandum in support of their motion will need to exceed the fifteen (15) pages permitted by this Court's local rules.
7. Ms. Constantino submits that, even after she joins the other Defendants in their motion to dismiss, the joint motion will not exceed twenty-five (25) pages, exclusive of those portions of a memorandum not normally counted toward the page limit under the local rules.
8. On December 20, 2023, this Court previously granted the motion of the other Defendants to file an overlength brief.

WHEREFORE, Defendant Isabella Constantino joins in the other Defendants' request that this Court enter an order granting all Defendants leave to file a memorandum in support of a motion to dismiss of up to twenty-five (25) pages because good cause has been shown therefor, and for such other and further relief that the Court deems just and proper.

Respectfully submitted,

Dated: December 22, 2023

By: /s/Joseph E. Martineau
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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all counsel of record, and to the following party, via the Court's electronic filing system:

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Plaintiff, pro se

/s/ Joseph E. Martineau